



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF HOME INSPECTORS
DATE AND TIME:	Tuesday, September 24, 2013 at 9:30 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, DE Cannon Building, Second-Floor Conference Room A
APPROVED:	October 10, 2013

MEMBERS PRESENT

Donald E. Pyle, Sr., Professional Member, Chair
Dennis Theoharis, Public Member, Vice Chair
Joyce Edwards, Public Member
Daniel C. Eichelberger, Professional Member (arrived at 9:50 p.m.)
Tim Harriger, Professional Member (arrived at 9:50 p.m.)

MEMBERS ABSENT

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Jennifer Singh, Deputy Attorney General
Amanda McAtee, Administrative Specialist II
Bob Powers, Administrative Specialist II (training)

PUBLIC PRESENT

CALL TO ORDER

Mr. Pyle called the meeting to order at 9:34 a.m.

PUBLIC HEARING, RULES AND REGULATIONS - 9:30 A.M.

BOARD PRESENT: Donald S. Pyle, Sr., Dennis Theoharis, and Joyce Edwards

PUBLIC PRESENT:

PURPOSE:

The Delaware Board of Home Inspectors, pursuant to 24 Del.C. § 4106(a)(1), proposes to amend its rules and regulations. The proposed additions at 3.5 and 10.1.2 seek to allow applicants for trainee status to obtain partial credit for inspections performed before November 4, 2013, as long as the application is submitted on or before November 4, 2013. The addition at 10.1.1 seeks to allow trainee applicants to obtain full credit for supervised inspections performed prior to November 4, 2013, and the proposed amendment at 3.5 seeks to decrease the overall number of supervised inspections a trainee licensee must complete in order to become a fully licensed home inspector. The addition at 5.1 seeks to allow the Board to pre-approve qualifying education courses for applicants.

PRESIDING:

Donald S. Pyle, Sr., Professional Member, Chair

DIVISION STAFF: Amanda McAtee, Administrative Specialist II
Bob Powers, Administrative Specialist II

BOARD COUNSEL: Jennifer Singh, Deputy Attorney General

COURT REPORTER: Patricia Shelton, Wilcox and Fetzer

The hearing began at 9:30 a.m. Ms. Singh stated that the purpose of the hearing was to receive public comment regarding the Board's proposed Rules and Regulations. Ms. Singh advised that the notification of the public hearing was published in the Register of Regulations on September 1, 2013 and two newspapers on September 2, 2013. Ms. Singh marked the News Journal affidavit of publication as Board exhibit one and the State News affidavit of publication as Board exhibit two.

Ms. Singh confirmed that no public comment had been received by the Board office. With there being no comment, Ms. Singh thanked the court reporter and advised the Board that the public would have an additional fifteen days after this hearing date to make comments. The Board would deliberate on any public comments received at its next Board meeting on October 10, 2013.

The hearing adjourned at 9:40 a.m.

REVIEW AND APPROVAL OF MEETING MINUTES

The Board reviewed the meeting minutes from the August 22, 2013 meeting. Mr. Theoharis made a motion, seconded by Ms. Edwards, to approve the minutes. The motion carried unanimously.

UNFINISHED BUSINESS

NEW BUSINESS

Ratification of Issued Licenses

Timothy Harriger

Mr. Pyle made a motion, seconded by Ms. Edwards, to ratify the home inspector license of Timothy Harriger. The motion carried by majority with Mr. Harriger recused.

Mr. Harriger made a motion, seconded by Mr. Eichelberger, to ratify the list of licenses listed below. The motion carried unanimously.

Kevin Thompson, Home Inspector
Curtis Niles, Home Inspector
Kenneth Bendfeldt, Home Inspector
Jim Wolintos, Home Inspector

Review of Applications – Grandfather Clause

Jay Mast

Edward Dee

Lisa Roddis

Frank DiFazio

Mr. Pyle reviewed and summarized the application of Jay Mast, Edward Dee, Lisa Roddis, and Frank DiFazio. After review and discussion, Mr. Harriger made a motion, seconded by Mr. Eichelberger, to approve Jay Mast, Edward Dee, Lisa Roddis, and Frank DiFazio for licensure. The motion carried unanimously.

Robert Matthews

Ms. Singh stated that Robert Matthews had two charges on his record that were substantially related to the practice of home inspecting. The charges dealt with home improvement fraud and the convictions were more than five years old. Ms. Singh informed the Board that they could review the application and correspondence then decide to either propose to deny the application or grant a waiver to Mr. Matthews since the conviction was more than five years old and issue his license. Mr. Eichelberger recused himself from the deliberation and vote concerning Mr. Matthews.

The Board reviewed Mr. Matthews's application and reviewed a letter that was addressed to the Board. In light of the information presented the Board came to the conclusion that Mr. Matthews could perform his duties as a home inspector without a danger to the public. Ms. Edwards stated that she felt comfortable granting him a waiver for his past conviction, given it was older than five years. Mr. Pyle and Mr. Theoharis agreed with Ms. Edwards. Mr. Harriger stated that he felt it was not intentional fraud, and he thought there were some circumstances where Mr. Matthews ended up in tough situation. Mr. Harriger agreed with a waiver.

After review and discussion, Ms. Edwards made a motion, seconded by Mr. Pyle, approved the application for Robert Matthews based on the review of documentation provided, the Board decided to grant a waiver and approve Robert Matthews for licensure. The motion carried by majority, with Mr. Eichelberger recused.

Review of Applications – Endorsement

Mr. Pyle read for the Board the statute on endorsement:

§ 4111. Endorsement.

(a) Upon payment of the appropriate fee and submission and acceptance of a written application on forms provided by the Board, the Board shall grant a license to each applicant, who shall present proof of current licensure in good standing in another state, the District of Columbia, or territory of the United States, whose standards for licensure are substantially similar to those of this State. A license in "good standing" is defined in § 4108(a)(4), (5), (6), and (7) of this title.

(b) An applicant, who is licensed in a state whose standards are not substantially similar to those of this State, shall have practiced for a minimum of 5 years after licensure; provided however, that the applicant meets all other qualifications for endorsement in this section.

(c) An applicant, who is a graduate of a foreign college or university or who has completed formal training as a home inspector in a foreign jurisdiction, and who is not licensed in another state, the District of Columbia, or territory of the United States, shall submit a certified copy of the applicant's college or university record or documentation evidencing formal training as a home inspector for evaluation by the Board, in addition to fulfilling the applicable requirements for licensure of §§ 4108 and 4109 of this title.

Thomas Bartholetti – PA

Mr. Pyle reviewed the application for Thomas Bartholetti and stated that Pennsylvania did not have a State licensing board. Pennsylvania had a law that required 100 inspections however, our law required 250. Mr. Pyle made a motion, seconded Mr. Harriger, to propose to deny the application of Thomas Bartholetti for endorsement because he did meet the statutory requirements for licensure under § 4111 endorsement, specially § 4111(a). The motion carried unanimously.

Nicholas Staniscic – MD

Mr. Pyle reviewed the application for Nicholas Staniscic. Nicholas Staniscic had been licensed in the state of Maryland since July 22, 2013. In Maryland, an applicant for a home inspector license had to complete a 72-hour on-site home inspector training course approved by the Commission and pass the National Home Inspector Examination. These requirements were not substantially similar to the State of Delaware. Ms. Singh proposed that the Board could consider that his application was submitted before the November 4, 2013 deadline for the grandfather clause and that he could resubmit an application for home inspector trainee or the grandfather provision since Maryland was not a substantially similar state. Mr. Harriger made a motion, seconded by Ms. Edwards, to propose to deny the application of Nicholas Staniscic for endorsement because he did not meet the statutory requirements for licensure under § 4111 endorsement, specially § 4111(b). The motion carried unanimously.

Shawn Watson – MD

Mr. Pyle reviewed the application for Shawn Watson. Shawn Watson had been licensed in the state of Maryland since 2010. In Maryland, an applicant for a home inspector license had to complete a 72-hour on-site home inspector training course approved by the Commission and pass the National Home Inspector Examination. These requirements were not substantially similar to the State of Delaware. Ms. Singh proposed that the Board could consider that his application was submitted before the November 4, 2013 deadline for the grandfather clause and that he could resubmit an application for home inspector trainee or the grandfather provision since Maryland was not a substantially similar state. Mr. Pyle made a motion, seconded by Ms. Edwards, to propose to deny the application of Shawn Watson for endorsement because he did not meet the statutory requirements for licensure under § 4111 endorsement, specially § 4111(b). The motion carried unanimously.

OTHER BUSINESS BEFORE THE BOARD (for discussion only)

PUBLIC COMMENT

There was no public comment.

NEXT MEETING

The next Board meeting will be at **9:30 a.m. on Thursday, October 10, 2013 in Conference Room A** located on the second floor of the Cannon Building at 861 Silver Lake Boulevard, Dover, Delaware.

ADJOURNMENT

There being no further business to discuss, Mr. Pyle made a motion, seconded by Ms. Edwards, to adjourn the meeting at 11:04 a.m. The motion carried unanimously.

Respectfully Submitted,



Amanda McAtee
Administrative Specialist II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.